

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JANICE EDWARDS, on behalf of Minor
J.E., **CYNTHIA ECHAURI**, on behalf of
minor **A.E.**, individually, and on behalf of a
class of others similarly situated,

Plaintiffs,

v.

YAMHILL COUNTY, **TIM SVENSON**,
personally, **JESSICA BEACH**, personally,
and **SCOTT PAASCH**, personally,

Defendants.

Case No. 3:19-cv-00240-AC

ORDER

Leonard Randolph Berman, Law Office of Leonard R. Berman, 9220 SW Barbur Blvd., Suite 119, Box 180, Portland, OR 97219. Attorney for Plaintiffs.

David C. Lewis and Lauren E. Nweze, Kraemer & Lewis, P.O. Box 1469, Lake Oswego, OR 97035. Attorneys for Defendants.

IMMERGUT, District Judge.

On September 7, 2021, Magistrate Judge John V. Acosta issued his Findings and Recommendations (“F&R”). ECF 63. The F&R recommends that this Court grant Defendants’ motion to dismiss, ECF 50, and dismiss the case with prejudice. On October 12, 2021, Plaintiffs

filed objections. ECF 68. On October 26, 2021, Defendants responded to Plaintiffs' objections. ECF 69. For the following reasons, this Court ADOPTS Judge Acosta's F&R in full.

STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, sua sponte" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

DISCUSSION

Plaintiffs concede their First, Fourth, and Eighth Amendment claims. *See* ECF 68 at 3. Plaintiffs also failed to object to Judge Acosta's recommendations that (1) the claims against Defendants Svenson, Beach, and Paasch in their individual capacities be dismissed, ECF 63 at 25, and (2) Plaintiff's Fourteenth Amendment Equal Protection claim be dismissed for failure to state a claim, ECF 63 at 23.

Plaintiffs objected to Judge Acosta's recommendations regarding Plaintiffs' Fourteenth Amendment claims and Plaintiffs' *Monell* claims, ECF 68 at 3, unserved Defendants, *id.* at 4, and Plaintiffs' punitive damages claim, *id.* at 8. This Court has reviewed de novo the portions of Judge Acosta's F&R to which objections were filed and accepts Judge Acosta's conclusions.

CONCLUSION

Judge Acosta's F&R, ECF 63, is adopted in full. This Court GRANTS Defendants' motion to dismiss, ECF 50, and DISMISSES this case with prejudice.

IT IS SO ORDERED.

DATED this 17th day of March, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge